

HOUSE JOINT MEMORIAL 107

47TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2005

INTRODUCED BY

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A JOINT MEMORIAL

REQUESTING THE OFFICE OF THE STATE ENGINEER, THE INTERSTATE
STREAM COMMISSION AND THE DEPARTMENT OF ENVIRONMENT TO CREATE A
JOINT TASK FORCE TO STUDY THE ISSUE OF STORM WATER MANAGEMENT
AND REUSE.

WHEREAS, New Mexico's limited water resources are under
increasing pressure due to population growth and an apparent
climatic shift toward drier conditions; and

WHEREAS, the governor has put in place an initiative to
seek creative solutions to stretching the state's water
supplies to meet demand; and

WHEREAS, many of the responses to the governor's
initiative, as well as independent actions taken by homeowners
and landscapers throughout the state, have involved detention
or retention of storm water to irrigate landscaping, thus

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1 reducing demand for "raw" water; and

2 WHEREAS, municipal ordinances throughout the state require
3 the detention or retention of storm water on newly developed
4 properties to prevent flooding problems downslope; and

5 WHEREAS, the federal Clean Water Act requires the capture
6 and treatment of storm water to prevent it from polluting
7 watercourses with sediment and other contaminants; and

8 WHEREAS, the practice of retaining or detaining storm
9 water helps to restore a natural hydrograph, causing
10 infiltration and recharge of shallow ground water, which in
11 turn may contribute to baseflow in adjacent streams and the
12 recharge of deeper aquifers used by wells; and

13 WHEREAS, the collection of storm water in swales or tree
14 basins to promote plant growth assists in revegetating denuded
15 landscapes, improving the quality of runoff and creating
16 further opportunities for infiltration and recharge while
17 improving wildlife habitat and rangeland conditions; and

18 WHEREAS, Section 72-5-27 NMSA 1978 provides that
19 "artificial" surface waters caused by drainage from constructed
20 works are distinguished from natural surface waters in New
21 Mexico and are subject to beneficial use by the owner or
22 developer thereof; and

23 WHEREAS, New Mexico law is otherwise silent regarding the
24 management and reuse of storm water;

25 NOW, THEREFORE, BE IT RESOLVED BY THE LEGISLATURE OF THE

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1 STATE OF NEW MEXICO that the office of the state engineer, the
2 interstate stream commission and the department of environment
3 be requested to create a joint task force to study the issue of
4 storm water management and reuse in the interest of encouraging
5 a creative response to enhancing New Mexico's scarce water
6 resources while removing ambiguities related to water rights or
7 interstate stream compact delivery obligations; and

8 BE IT FURTHER RESOLVED that the joint task force report
9 the findings of its study to the appropriate interim
10 legislative committee before the second session of the forty-
11 seventh legislature with recommendations, if any, for
12 legislative action to address the findings; and

13 BE IT FURTHER RESOLVED that copies of this memorial be
14 transmitted to the state engineer, the chairman of the
15 interstate stream commission, the secretary of environment and
16 the co-chairs of the New Mexico legislative council.

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